

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RODNEY BRADY, # 262255,)	
)	
Plaintiff,)	Case No. 1:08-cv-995
)	
v.)	Honorable Paul L. Maloney
)	
LARRY TROMBLEY, R.N. et al.,)	
)	
Defendants.)	
)	

**ORDER DENYING LEAVE
TO PROCEED IN FORMA PAUPERIS - THREE STRIKES**

This is one of a series of *pro se* civil rights lawsuits that plaintiff filed in 2008 while he was being held at the Lake County Residential Re-entry Facility (LCRRF). Three days before filing this lawsuit, plaintiff filed a lawsuit in the United States District Court for the Eastern District of Michigan which was later transferred here: *Brady v. Nolan*, 1:09-cv-186 (W.D. Mich.). This court determined that plaintiff was not eligible to proceed *in forma pauperis* under the “three strikes” provision of 28 U.S.C. § 1915(g), and that plaintiff’s claims did not fall within the Prison Litigation Reform Act’s narrow statutory exception. (3/17/09 Opinion at 2-3). The court vacated the order which had allowed plaintiff to proceed *in forma pauperis* and entered an order requiring plaintiff to pay the filing fee within thirty days. (3/17/09 Order). There is no reason for a contrary result here. Section 1915(g) bars plaintiff from proceeding *in forma pauperis* and his claims regarding the strength of the medications that he received for his migraine headache or headaches during his brief period of confinement at LCRRF fall far short of establishing that plaintiff was “under imminent

danger of serious physical injury.” 28 U.S.C. § 1915(g); *see, e.g., Burghart v. Corrections Corp. of Am.*, No. CIV-08-62-C, 2008 WL 619308, at * 1 (W.D. Okla. Mar. 4, 2008); *Perry v. Virginia*, No. 7:08-cv-193, 2008 WL 533997, at * 2 (W.D. Va. Feb. 27, 2008). Accordingly,

IT IS ORDERED that order granting plaintiff leave to proceed *in forma pauperis* (docket #3) is VACATED.

IT IS FURTHER ORDERED that plaintiff is DENIED leave to proceed *in forma pauperis* because he has “three strikes” under 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that within thirty days hereof, plaintiff shall pay the \$350.00 filing fee to the Clerk of this Court. All other proceedings in this case are stayed until the filing fee is paid. Plaintiff’s failure to comply with this order will result in dismissal of this case without prejudice, and assessment of the \$350.00 filing fee.

Dated: August 17, 2009

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge